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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,621	09/26/2003	Rami Caspi	2003P08212 US	8063

7590 01/31/2006
Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,621

Applicant(s)

CASPI ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 10/20/05 have been considered by the examiner (see attached PTO-1449)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 7-11, 13-14**, are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (US patent Number 6,484,033 B2).

Regarding claim 1, Murray teaches a telecommunications system, comprising:

a plurality of network clients including a positioning controller and a communications controller (col 1 lines 7-10); and

a positioning server including a coordinating controller (col 6 lines 31-43) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 4 lines 60-67, col 5 lines 1-9);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller, said positioning information including information related to a speed of movement (col 6 lines 15-31).

wherein the position and speed of movement information is used to derive an availability of an associated network client and presence server is configured to transmit the availability to network clients who are registered to receive the availability (col 4 lines 60-67, col 5 line 1-43, col 6 lines 15-31, col 9 lines 60-67, col 10 lines 1-23).

Regarding claim 2, Murray inherently teaches a telecommunications system in accordance with claim 1, wherein said plurality of network clients are configured to associate a particular speed with being in a car (col 12 lines 27-55).

Regarding claim 3, Murray teaches a telecommunications system in accordance with claim 2, wherein said communications controller is adapted to transmit a position update to said positioning server upon detection of a predetermined speed (col 6 lines 21-60, col 12 lines 27-55).

Regarding claim 7, Murray teaches a telecommunications device, comprising:

a positioning controller adapted to determine positioning information for said telecommunications device, said positioning information including device speed (col 4 lines 6-67, col 5 lines 1-9);

a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (col 6 lines 15-31); and

a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col 6 lines 21-60).

a presence server configured to transmit to other telecommunication devices registered to receive an availability of a user of the telecommunications device (col 4 lines 60-67, col 5 lines 1-44).

Regarding claim 8, Murray teaches a telecommunications device as recited in claim 7, wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (col 6 lines 43-61).

Regarding claim 9, Murray teaches a telecommunications device as recited in claim 8, wherein said position-presence correlation rules include presence status associated with said device speed (col 6 lines 21-60).

Regarding claim 10, Murray teaches a telecommunications device as recited in claim 9, wherein said cellular telephone controller transmits changes to location status to said associated server (col 4 lines 60-67, col 5 lines 1-21).

Regarding claim 11, Murray teaches a telecommunications device as recited in claim 10, wherein said cellular telephone controller is adapted to transmit a position update to said associated server upon a change of speed (col 6 lines 21-60).

Regarding claim 13, Murray teaches a telecommunications method, comprising:

receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col 3 lines 10-53); and

transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col 3 lines 10-63);

wherein said one or more positioning and presence correlation rules include a device speed (col 6 lines 21-60).

Regarding claim 14, Murray teaches a telecommunications method in accordance with claim 13, further comprising:

receiving positioning updates at said remote user (col 3 lines 9-60); and

transmitting presence updates to said server as specified in said one or more positioning and presence correlation rules (col 5 lines 65-67, col 6 lines 1-5).

distributing presence information associated with the positioning and presence correlation rules to remote users (col 3 lines 10-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 12, 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US Patent 6,484,033) in view of Coffee et al. (US Patent 6,892,131 A1).

Regarding claim 4, Murray teaches a telecommunications system wherein

a plurality of network clients including a positioning controller and a communications controller (col 1 lines 7-10); and

a positioning server including a coordinating controller (col 6 lines 31-43) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 4 lines 60-67, col 5 lines 1-9);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller, said positioning information including information related to a speed of movement (col 6 lines 15-31).

Murray fails to teach a telecommunications system in accordance said speed is correlated with a hysteresis threshold. However, Coffee teaches a telecommunications system in accordance with claim 3, wherein said speed is correlated with a hysteresis threshold (col 75 lines 4-67, col 76 lines 1-5). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Coffee, in order to enable the operator to communicate with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 5, Murray teaches a telecommunications system in accordance with claim 4, wherein said position signals comprise global positioning system signals (col 6 lines 43-61).

Regarding claim 6, Murray teaches a telecommunications system in accordance with claim 5, wherein said communications controller is a cellular telephone controller (col 7 lines 52-65).

Regarding claim 12, Murray teaches a telecommunications system comprising:

a positioning controller adapted to determine positioning information for said telecommunications device, said positioning information including device speed (col 4 lines 6-67, col 5 lines 1-9);

a cellular telephone controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server (col 6 lines 15-31); and

a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col 6 lines 21-60).

Murray fails to teach a telecommunications device in accordance with claim 11, wherein said cellular telephone controller is adapted to transmit said position update upon said change of speed only if said change of speed is correlated with a predefined position-presence correlation rule with a hysteresis threshold. However, Coffee teaches a telecommunications device in accordance with claim 11, wherein said cellular telephone controller is adapted to transmit said position update upon said change of speed only if said change of speed is correlated with a predefined position-presence correlation rule with a hysteresis threshold (col 75 lines 4-67, col 76 lines 1-5).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Coffee, in order to enable the operator to communicate with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 15, Murray teaches a telecommunications a method wherein:

receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col 3 lines 10-53); and transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col 3 lines 10-63). Murray fails to teach a method wherein said device speed is associated with a hysteresis threshold. Murray teaches a method wherein said device speed is associated with a hysteresis threshold (col 75 lines 4-67, col 76 lines 1-5). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Coffee, in order to enable the operator to communicates with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Regarding claim 16, Murray teaches a telecommunications system, comprising:

a plurality of network clients including a positioning controller and a communications controller (col 3 lines 10-60); and

a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col 3 lines 10-60);

wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (col 5 lines 10-55); and

Murray fails to teach a system wherein one or more **location status** hysteresis thresholds are maintained (col 6 lines 20-60). However, Coffee teaches a telecommunications system, comprising: wherein one or more **location status** hysteresis thresholds are maintained (col 75 lines 4-67, col 76 lines 1-5). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Murray with Coffee, in order to enable the operator to communicate with vehicles and to receive timely, accurate data corresponding to the performance over a very efficient and reliable wireless network at any given time.

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

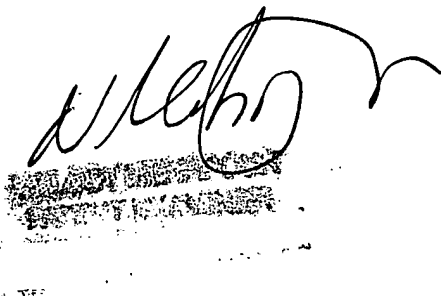
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 26, 2006

A handwritten signature in black ink, appearing to read "W. H. H.", is written over a rectangular, textured stamp. The stamp is dark and has some illegible text within it. The signature is written in a cursive style.